

AN ACT

ENTITLED, An Act to revise certain provisions regarding the killing or taking of elk and turkey which are damaging property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 41-1-5.1 be amended to read as follows:

41-1-5.1. Any person other than a minor under the age of sixteen years who willfully and unlawfully kills, destroys, takes or possesses in this state any animal designated by this section is liable to the state for damages, which are five thousand dollars for each elk or buffalo; ten thousand dollars for each mountain goat or mountain sheep; one thousand dollars for each deer, antelope or bobcat. However, the return uninjured of the big game animal to the place where captured, or to such other place as the Department of Game, Fish and Parks may direct, shall constitute a discharge of such damages. However, the provisions of this section do not apply to any person, who, after providing written notice received by the Department of Game, Fish and Parks, forty-eight hours in advance, takes reasonable actions to protect the person's land or crops from serious and extraordinary damages caused by elk, deer, or antelope.

Section 2. That § 41-1-5.3 be amended to read as follows:

41-1-5.3. Any person, other than a minor under the age of sixteen years, who willfully and unlawfully kills, destroys, takes or possesses any small game bird or wild turkey during a closed season or without a license is liable to the state for civil damages of one hundred dollars for each small game bird and two hundred dollars for each turkey. However, the provisions of this section do not apply to any person, who, after providing written notice received by the Department of Game, Fish and Parks, forty-eight hours in advance, takes reasonable actions to protect the person's land or crops from serious and extraordinary damages caused by wild turkeys.

Section 3. That § 41-1-5.4 be amended to read as follows:

41-1-5.4. Any person, other than a minor under the age of sixteen years, who willfully and

unlawfully kills, destroys, takes or possesses five or more small game birds or two or more wild turkeys in excess of the legal limit during an open season is liable to the state for civil damages of one hundred dollars per each small game bird and two hundred dollars for each turkey in excess of the legal limit. However, the provisions of this section do not apply to any person, who, after providing written notice received by the Department of Game, Fish and Parks, forty-eight hours in advance, takes reasonable actions to protect the person's land or crops from serious and extraordinary damages caused by wild turkeys.

An Act to revise certain provisions regarding the killing or taking of elk and turkey which are damaging property.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1089

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1089
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor
=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State